

## REMARKS

1. Applicant thanks the Office for its remarks and conclusions, which have greatly assisted Applicant in responding.

### 2. **OBJECTIONS TO THE CLAIMS**

The Claims are objected to because they are not correctly numbered in unbroken sequence. The Office indicates that correction is required. During a telephone interview on July 16, 2008, Applicant pointed out to the Examiner that 37 CFR §1.126 does not permit Applicant to re-number the Claims. The Examiner instructed Applicant to re-number the Claims and that the re-numbering would not prevent the present Amendment from being entered. Applicant has therefore re-numbered the Claims as requested. The present objection is thus overcome.

### 3. **35 U.S.C. § 103**

Claims 1-6, 8-9, 12-19, 21-22, 25-33, 35-47, 51-52, 55-57, 63-7072, 74-83, 87-88, 91-92 and 94 are rejected as being unpatentable over U.S. patent application pub. no. 2006/0027648 ("Cheah") in view of U.S. patent no. 2003/0069874 ("Hertzog").

Claim 37: The Office relies on Hertzog, ¶¶ 0099, 0196 as teaching or suggesting "wherein a publish offer lapses after a predefined period of time." Applicant respectfully disagrees. The cited paragraphs of Herzog have nothing to do with publish offers or specifying a period of time after which a publish offer lapses.

Instead, what Hertzog describes in the cited paragraphs is a capability of specifying a time period during which specific contact information is valid, in order to reflect the circumstances in the life of the owner of the record. For example, if the record owner were going to be away from home for a period of time, Hertzog's system would allow the record owner to specify a temporary address that would only be

published for a pre-determined period of time, specified by the record owner. Accordingly, the cited paragraphs have nothing to do with defining the period of time after which a publish offer lapses – in other words, a period after which the publish offer can no longer be accepted. Applicant has diligently searched the reference and finds no teaching or suggestion of defining the period of time after which a publish offer lapses.

Cheah adds nothing to Hertzog. While Cheah describes that exchange requests can have different statuses: “accepted”, “waiting” or “denied” (§ 0108), and the processing of exchange requests is discussed extensively throughout the specification, there is no teaching or suggestion in Cheah of defining the period of time after which a publish offer lapses. There is, therefore, no teaching or suggestion in the combination of defining the period of time after which a publish offer lapses. Because the combination does not teach or suggest all elements of the subject matter of Claim 37, the present rejection is improper. Claim 37 is therefore deemed allowable over the combination.

Claims 1, 12, 25 and 63: In order to describe the subject matter of Claims 1, 12, 25 and 63, they are amended to incorporate the subject matter of Claim 37 – conclusively shown above to be allowable over the combination. Claim 37 is cancelled from the Application. Because Claims 1, 12, 25 and 63, as amended, incorporate allowable subject matter, the rejection of Claims 25 and 63 is overcome, rendering Claims 1, 12, 25 and 63 allowable over the combination.

In view of their dependence from allowable parent claims, claims depending from Claims 1, 12, 25 and 63 are deemed allowable without any separate consideration of their merits.

Claims 11 and 24 are rejected as being unpatentable over Cheah in view of Hertzog and further in view of Hu. In view of the foregoing, the present rejection is deemed overcome.

Claims 34, 49, 62, 71, 85 and 99 are rejected as being unpatentable over Cheah in view of Hertzog and further in view of U.S. patent application pub. no. 2002/0023132 ("Tornabene") In view of the foregoing, the present rejection is deemed overcome.

Claims 50 and 86 are rejected as being unpatentable over Cheah in view of Hertzog and further in view of Tornabene and U.S. patent application pub. no. 2002/0049751 ("Chen"). In view of the foregoing, the present rejection is deemed overcome.

Claims 48 and 84 are rejected as being unpatentable over Cheah in view of Hertzog and further in view of Padwick and Slipstick. In view of the foregoing, the present rejection is deemed overcome.

Claims 53-54, 58-59, 89-90, 95-96 are rejected as being unpatentable over Cheah in view of Hertzog and further in view of Padwick. In view of the foregoing, the present rejection is deemed overcome.

Claims 60 and 97 are rejected as being unpatentable over Cheah in view of Hertzog and further in view of Padwick and Technet. In view of the foregoing, the present rejection is deemed overcome.

4. No new matter is added by way of the foregoing amendments. The same are made for expediency's sake in deference to the Office policy of compact prosecution. They do not constitute agreement by Applicant with the Office's position. Nor are they evidence of intent to sacrifice claim scope. Applicant expressly reserves the right to pursue patent protection of a scope it reasonably believes it is entitled to in one or more future submissions to the USPTO.

5. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

## CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,

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